



TOWN OF BEAUX ARTS VILLAGE

TOWN COUNCIL MINUTES

Special Meeting
June 5, 2007
Wells

Mayor Wells called the meeting to order at 7:00 pm.

PRESENT: Mayor Judee Wells, Councilmembers Aaron Sharp, Richard Leider, and Bruce Young. Carol Clemett arrived at 7:10pm.

EXCUSED: None.

STAFF: Clerk-Treasurer Sue Ann Spens, Deputy Town Marshal Scott Harpster.

GUESTS: Julia Morse, WABA.

SPECIAL MEETING: Clerk-Treasurer Spens explained that tonight's meeting is considered a special meeting, because it is a scheduled before the date on which a regular Council meeting would be held, even though it is being held in lieu of the regular meeting. She added that this means the Council cannot approve warrants, nor can they make final decisions on any items that are not specifically mentioned on tonight's agenda.

CONFIRMATION OF NEW COUNCILMEMBER STEVE EULAU: Mayor Wells introduced Steve Eulau, who she has appointed to replace former Councilmember Tom Robinson and asked the Council to confirm her appointment.

MOTION: Councilmember Sharp moved to confirm the appointment of Steve Eulau to Council Position No. 2 for the remainder of former Councilmember Robinson's term, which expires on December 31, 2007. Councilmember Leider seconded.

Vote: 3 For, 0 Against, 0 Abstain. Motion carried.

Councilmember Eulau joined the discussion at 7:05pm.

MINUTES: Councilmember Leider moved to approve the April 24, 2007 minutes as amended. Councilmember Sharp seconded.

Vote: 3 For, 0 Against, 1 Abstain (Eulau). Motion carried.

Councilmember Clemett arrived at 7:10pm.

CLERK'S REPORT:

MAYOR PRO TEMPORE: Clerk-Treasurer Spens reminded the Council that with Tom Robinson's resignation, the Council needs to elect a new Mayor Pro Tempore to run Council meetings, sign warrants, and handle other duties as may arise in the absence of the Mayor.

MOTION: Councilmember Clemett nominated Councilmember Leider. Councilmember Eulau seconded.

Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

CANDIDATE FILING FOR COUNCIL ELECTIONS: Clerk-Treasurer Spens reminded Councilmembers Young, Clemett, and Eulau that the filing period for their positions will be in June (instead of July, as in previous years). She will forward an email message to all three with details about how, when and where to file.

SECOND JUNE COUNCIL MEETING: Clerk-Treasurer Spens reminded the Council that there is a brief meeting planned for June 12th to approve warrants provided we have a quorum. Councilmember Clemett stated that she will not be available that date. Ms. Spens will poll the remaining Councilmembers by email to determine if a quorum can attend.

CLARIFICATION OF SETBACK LANGUAGE: Clerk-Treasurer Spens reported that, in response to the Council's request for a clarification of how setbacks were to be measured under the rules that allow limited intrusions, the Planning Commission offered the following: *The intrusion into the setback must be measured from the closest applicable property line to the farthest protruding point on the eave or fireplace. The distance between the property line and eave or chimney intrusion must be less than 8 feet 6 inches for side setbacks . . . (etc for front and back setbacks).*

It was the consensus of the Council that setback measurements should be established in relation to property lines and the foundation walls of the planned structure with a description of the allowed intrusions. It was also the consensus of the Council that Town Planner Mona Green be asked to provide the Planning Commission with the guidance needed to clarify the entire ordinance for setback issues.

MARSHAL'S REPORT: Deputy Marshal Scott Harpster reported that the Village has experienced seven significant incidents since March of this year, including a home burglary, car prowl, car theft, and mail thefts. He explained that Town Marshal Scott and he would like to take over the Blockwatch email notification system. Clerk-Treasurer Spens stated that she is reluctant to release email addresses since they were collected with the express promise to keep them private. Mayor Wells suggested that Clerk-Treasurer Spens distribute an Opt-Out notice by email and by newsletter asking Villagers to let her know if they do NOT want their address released to the Marshals for this purpose.

Mayor Wells also asked Clerk-Treasurer Spens to confirm with Town Attorney Stewart that we have everything we need in place to enforce our speed limits with special King County patrols and to collect the subsequent fines that may be imposed.

WABA REPORT: Julia Morse reported that WABA Board has prepared a redline version of their proposed amendments to WABA's bylaws that will be distributed to all members by September and that the Woodland Planning Committee will discuss their proposed plans for the beach property at the June WABA meeting.

She also reported that WABA has hired the summer lifeguard, replaced the water slide, and purchased a locking mailbox for all WABA mail.

WATER REPORT: No report.

EMERGENCY PREPAREDNESS: No report. Clerk-Treasurer Spens asked who would be assuming these duties in place of former Councilmember Robinson. After some discussion, it was the consensus of the Council that Councilmember Clemett will assume these duties when the work of the Tree Committee is concluded this fall. Councilmember Eulau will assume Councilmember Clemett's duties at that time.

STATUS OF TREE MANAGEMENT PLAN: Councilmember Clemett reported that the Tree Committee has completed an informal survey of trees on both public and private property throughout the Village. She stated that the two most commonly voiced concerns about our trees are about the number of trees that have been removed in recent years and that new construction and/or new residents seem to be the most common denominator when healthy trees are removed.

She noted that the committee decided to focus their efforts on protecting conifers, evergreens, and madronas and have produced a preliminary list of the largest trees in the Village. She added that the committee used the list to develop the following designations for trees based on their trunk size:

- Landmark – trunk diameter is greater than or equal to three feet at a height of 4½ feet from existing grade,
- Historic – trunk diameter is greater than or equal to two feet but less than three feet at a height of 4½ feet from existing grade, or
- Significant – trunk diameter is greater than or equal to one foot but less than two feet at a height of 4½ feet from existing grade

She explained that the committee is examining what rules should apply if a resident wants to remove a tree that falls into one of these designations:

- The removal of Historic or Significant trees would be subject to a notification process. The process would include completing a Town form to provide information about the tree and tagging the trees for a period of 60 days during which the Town Clerk would post notices about the proposed removal to solicit comments from neighbors. In addition, the applicant would be required to occupy the house during the waiting period. In cases where the tree stands within the buildable portion of the lot, the waiting period might be reduced to 30 days and the occupation requirement might be waived.
- The removal of Landmark trees would be prohibited except where the tree is determined to be dead, diseased or dangerous by a certified arborist. Property owners with landmark trees could seek a variance to remove the tree.

Councilmember Eulau asked if the Town could encourage preservation by encouraging residents to donate a charitable easement of the property on which the trees stand such as is encouraged by the Heritage Tree Foundation. Councilmember Clemett answered that this type of donation is better suited for undeveloped or unplatted pieces of property.

Mayor Wells stated that she is concerned about an outright prohibition on the removal of Landmark trees and suggested that the committee look at ways that the removal of such a tree might be mitigated by the replacement with trees either elsewhere on the lot or on other property in the Town.

Councilmember Leider stated that he wants Landmark trees to be treated in a manner consistent with the other tree classifications. Councilmember Sharp concurred.

Councilmember Sharp also stated that he believes any tree ordinance in Beaux Arts must be fair and equitable to all property owners. He explained that if it is important for the Town to maintain its tree population on private property, the space needed to preserve trees on private property must be allocated in a lot-usage calculation. He added that each lot should be required to support the same percentage of the Town's total tree population and that the ordinance should not be based on existing trees, but rather future trees. He suggested the following language for an ordinance: "Every 10,000-sq-ft property shall designate a space measuring 15 ft by 15 ft on which a native evergreen will be planted."

Julia Morse commented that the WABA Woodlands Committee approached this question from the standpoint of the existence of solid reasons for preserving trees and encouraging their proliferation through increased planting, which include providing shade that reduces air temperatures beneath the tree canopy, improved ground-water control, etc.

Councilmember Clemett explained that the committee prefers to start with a simple process that will be accepted and is easy to enforce and then move forward, if needed.

It was the consensus of the Council that the Tree Committee is to be commended for the significant amount of work they've accomplished in a short time and that the committee should work with Town Planner Mona Green to develop ordinance language subject to the concerns expressed earlier. It was also the consensus of the Council that the Town's building code should be amended to include best-practices recitals setting forth the Town's philosophy toward trees.

UNDERGROUND UTILITIES: Councilmember Leider gave a presentation setting forth the current condition of our above-ground utility-distribution system and a proposal for undergrounding those utilities. He noted that the key advantages to this change include:

- reduced frequency of power interruptions,
- improved Town aesthetics,
- increased property values, and
- elimination of the need for tree trimming or tree topping for utility-line clearance.

He also outlined the short-term impacts, including that:

- excavation for the utility trenches will affect existing plantings on Town ROWs,
- certain trees on Town ROWs will have to be removed and replaced,
- homeowners will be responsible for the connection between their home and the new distribution lines at a cost of about \$3,000 – 4,000 per home, and
- the Town will need to purchase new street lights.
- the Town will need to explore financing options, including a special levy or bond funding.

Councilmember Leider explained his estimates for the cost to the Town to complete this project and concluded by stating that he estimates the cost per household would be less than

\$50 per month. He then explained that the next step is for the Town to open a discussion with Puget Sound Energy (PSE) to prepare pre-engineering estimates at no cost to the Town for Council review.

It was the consensus of the Council for Councilmember Leider to request that PSE prepare pre-engineering estimates and to bring them to the Council for review when available.

MAYOR AND COUNCILMEMBER REPORTS:

PARKING ON 106TH PL NE: Mayor Wells noted that a resident on 106th Place has lodged several complaints with the Town concerning the use of the right of way along that street for resident parking. She noted that she has invited the resident to appear before the Council to outline his/her concerns so the Council can determine if additional action is warranted.

FEMA FUNDING: Councilmember Sharp announced that FEMA has approved most of the Town's request for a reimbursement of costs related to damage from and cleanup after the December 2006 windstorm. He added that the portion that was not approved was the purchase of water from Bellevue while the Town's water system was not useable.

LAURELS CUT AT SE 27TH ST AND SE 27TH PLACE: Councilmember Sharp reported that laurels at the intersection mentioned were cut at the urging of the Fire Marshal but the amount cut was objectionable to the immediate neighbor. It was the consensus of the Council that an upcoming newsletter should include a notice reminding residents to maintain the shrubbery on Town rights-of-way adjacent to their property and explaining that the Town reserves the right to trim or remove shrubbery planted on the ROW if the Town deems the trimming/removal are appropriate. (The issue of appropriateness will usually be related to safety or visibility along the roadway.)

LEANING TREE ON SE 29TH STREET: Councilmember Young noted that there is a tree along SE 29th Street that is leaning into the power lines and that the Town's Arborist will not remove the tree in its current state. Clerk-Treasurer Spens will contact PSE about removing the tree since it appears to be leaning into PSE's power distribution lines.

NEXT MEETING: Clerk-Treasurer Spens reminded the Council the July meeting is scheduled for July 10th Councilmember Young's house.

ADJOURN: Councilmember Clemett moved to adjourn the meeting at 9:30pm. Councilmember Sharp seconded.

Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

Respectfully submitted,

Sue Ann Spens
Clerk-Treasurer